

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M – EVALUATION FACTORS FOR AWARD

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SECTION M

EVALUATION FACTORS FOR AWARD

M.1 EVALUATION OF PROPOSALS

- (a) This acquisition will be conducted pursuant to the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. Proposals will be evaluated by the Government in accordance with the applicable procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Criteria hereinafter described.
- (b) The instructions set forth in Section L of this Request for Proposal (RFP) are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the Government. The Offeror must furnish specific information in its response to adequately address the evaluation criteria. Cursory responses that merely repeat or reformulate the Performance Work Statement are not acceptable.
- (c) A proposal will be eliminated from further consideration before the evaluation if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable effort to address itself to the essential requirements of the RFP, or if it clearly demonstrates the Offeror does not understand the requirements of the RFP. In the event that a proposal is rejected, a proposal will not be considered for further evaluation under this solicitation. A proposal deficient in any evaluation factor will not be selected for award.
- (d) The Government intends to evaluate proposals and award one contract to a single Offeror. The Government intends to make award without discussions with Offerors, although it may clarify proposals as allowed in FAR 15.306(a). Therefore, the Offeror's initial proposal should contain the Offeror's best terms from both a technical and cost standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
- (e) Prior to an award, a determination shall be made whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this determination, DOE will consider the representation required by Section K of this solicitation. An award will be made if there is no OCI or if any potential OCI can be appropriately avoided or mitigated.

- (f) If a competitive range is established pursuant to FAR 15.306(c), the Contracting Officer's (CO) determination of competitive range for proposals submitted, as a result of this solicitation, will consider such factors as technical evaluation/ranking of the proposal, most probable cost, and other items set forth in this section. Offerors are hereby advised that only the most highly rated proposals deemed to have a reasonable chance of award of a contract will be included in the competitive range. Offerors who are not included in the competitive range will be promptly notified.
- (g) For the purpose of evaluating information on an Offeror's experience and past performance, an Offeror shall be defined as those companies that have established business arrangements or relationships for purposes of performing the requirements of this solicitation, including proposed subcontractors with a proposed subcontract annual cost equal to \$10 million or more at any tier of the organization. DOE may contact some or all of the references provided by the Offeror, and may solicit past performance information from other available sources.
- (h) Any exceptions or deviations to the terms of the solicitation may make the Offer unacceptable for award. By making exceptions or deviations to the terms of the solicitation, the Offeror could have its proposal considered "non-responsive". If an Offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the solicitation.
- (i) With respect to the Offeror's proposed Small Business Subcontracting Plan, the Plan will be assessed against the 11 elements set forth in FAR 52.219-9(d) to determine its acceptability. Offerors should note that the minimum goals of this solicitation for each small business category are listed Section L.3.

M.2 BASIS OF CONTRACT AWARD

DOE intends to award one (1) contract to the responsible Offeror whose proposal is responsive to the solicitation and determined to be the best value and most advantageous to the Government. Selection will be achieved through a process of evaluating the strengths and weaknesses of each Offeror's proposal against the Technical Evaluation Factors described in Section M.3 below.

In determining best value to the Government, the Technical Evaluation Factors are significantly more important than the Evaluated Price. The Government is more concerned with obtaining a superior Technical proposal than making an award at the lowest Evaluated Price. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated

with the evaluated superiority of one Technical proposal over another. The Government will assess the strengths and weaknesses between or among competing technical proposals from the standpoint of: (1) what the difference might mean in terms of anticipated performance; and (2) what the evaluated price to the Government would be to take advantage of the difference. The closer or more similar in merit that Offeror's Technical proposals are evaluated, the more likely the Evaluated Price may be the determining factor.

M.3 TECHNICAL EVALUATION FACTORS

Evaluation Factors 1 through 4 constitute the Evaluation Factors for the Technical Proposal. (Corresponding proposal preparation instructions are in the Section L Provision, Proposal Preparation Instructions – Volume II, Technical Proposal.)

Evaluation Factor 5 constitutes the Cost and Fee Evaluation. (Corresponding proposal preparation instructions are in the Section L Provision, Proposal Preparation Instructions – Volume III, Cost and Fee Proposal.)

Factor 1 - Technical Approach

Project Management and Execution. The Offeror's Technical Approach will be evaluated to determine the Offeror's understanding of and ability to perform the requirements of the Performance Work Statement (PWS). DOE will evaluate the depth, quality, completeness and effectiveness of the Offeror's approach to accomplishing the major PWS activities including, but not limited to: handling of the high level waste canisters; removal of the facilities and systems required by the PWS; and management and disposal of all waste generated from performance of the Phase 1 activities described in the PWS. Additionally, DOE will evaluate the effectiveness of the Offeror's approach to maximize performance by balancing cost and schedule efficiencies. DOE will also evaluate the realism of the Offeror's critical path schedule. The Offeror's approach to Environment, Safety, and Health (ES&H) will be evaluated on the degree to which it: provides integrated line management (e.g. environmental operations, regulatory compliance, safety and health); establishes and maintains core ES&H competencies; ensures appropriate funding for ES&H functions; flows-down ES&H requirements and adequately oversees subcontract activities; ensures continuous improvements; involves appropriate staff in the planning and implementation of ES&H activities; achieves ES&H excellence; and establishes and maintains ES&H accountability at all levels of the organization.

DOE will evaluate the feasibility of all technical assumptions made including the level of information provided to support the assumptions made. DOE will evaluate the extent to which the Offeror's proposed work schedule is realistic and the likelihood that the work can be completed within the proposed contract period with the available resources. DOE will evaluate the effectiveness of the Offeror's

approach to identifying risks as well as the Offeror's approach to eliminating, avoiding, or mitigating risks. Additionally, DOE will evaluate the effectiveness of the Offeror's approach to minimizing the impact of the changing work requirements on the workforce and ensuring that the optimal skill mix is available throughout the contract period.

Regulatory Approach. DOE will evaluate the comprehensiveness of the Offeror's approach to achieve regulatory approval including the extent to which the Offeror addresses all of the potential situations that will require approval as well as the extent to which the Offeror describes the process that they will implement to obtain approval and the parties involved. DOE will evaluate the extent to which the Offeror's regulatory approach demonstrates integration with their project management and risk management approaches.

Factor 2 - Key Personnel and Organizational Structure

(1) Key Personnel Resumes and Organizational Structure

DOE will evaluate the qualifications of the Offeror's proposed Key Personnel in comparison to the positions that they are proposed for. DOE will evaluate the extent to which each Key Person's experience is similar in size, scope, and complexity to the functions that they have been proposed to perform. DOE will also evaluate the rationale provided by the Offeror for proposing their Key Personnel positions in terms of how these positions will contribute to the effectiveness of the Offeror's organizational structure and the Offeror's capability to successfully perform the PWS. DOE will evaluate how well the Offeror's organization and business systems support implementation of the Technical Approach proposed and provide control and accountability for contract performance. DOE will consider the effectiveness of the organization and business systems in allocating resources and the authority of the proposed Key Personnel to obtain corporate resources. Additionally, DOE will consider the effectiveness of the management procedures for monitoring and controlling subcontractor performance.

DOE will evaluate the Offeror's plans for subcontracting with small businesses, including small disadvantaged businesses, to perform meaningful work (extent, variety, and complexity) that will be important to the overall successful performance of the PWS. **Failure to submit the required Key Personnel letters of commitment and to provide resumes in the specified format may result in a lower evaluation rating for this factor or the Offeror's proposal being eliminated from further consideration for award. Failure to propose, at a minimum, a General Manager, a Deputy General Manager, and an ESH&Q Manager will result in the Offeror's proposal being eliminated from further consideration for award.**

(2) Key Personnel Oral Presentations

The Government will evaluate the Offeror's Oral Presentations based on the Key Personnel employees' responses to the three (3) managerial scenarios. In evaluating the responses, DOE will consider:

- The demonstrated level of understanding for the management challenges posed by the problem;
- The demonstrated quality of teamwork observed throughout the process;
- The degree to which the Offeror's oral response is consistent with the Offeror's written proposal;
- The viability of the Offeror's responses; and
- The quality and effectiveness of Offeror's communication.

Factor 3 – Relevant Experience

DOE will evaluate the relevant experience of the Offeror, its team members, and each of its major subcontractors (with subcontracts valued at \$10 million or more annually) with respect to the similarity in size, scope and complexity to the functions that each entity is responsible for in the PWS. In the case of a newly formed Limited Liability Company (LLC) or joint venture, DOE will evaluate the experience of the parent organizations or LLC members against the portion of the work that each entity is proposed to perform. Additionally, DOE will evaluate the Offeror's experience mitigating identified risks. DOE will also evaluate the Offeror's experience in using corporate capability to provide support and problem-solving resources, working with stakeholders, and regulatory agencies at the state and federal levels, and managing and integrating regulatory requirements or agreements. Additionally, DOE will consider the Offeror's approach for proactively interfacing with other DOE site contractors. Information for contracts completed within the last five years or current contracts, which involve relevant work to this solicitation, will be considered.

Factor 4 – Past Performance

DOE will evaluate the relevant past performance of the Offeror, their teaming partners, LLC members, and major subcontractors (with subcontracts valued at \$10 million or more annually) on contracts similar in size, scope and complexity to the work that each is proposed to perform to determine the extent to which it demonstrates the capability to successfully perform the PWS. In evaluating the Offeror's Past Performance, DOE will place more emphasis on work that is comparable in size, scope and complexity to the work that the Offeror, its teaming partners, LLC members, and major subcontractors are each proposed to perform. DOE will consider the written discussion of any Past Performance problems encountered and the effectiveness of any corrective actions that were taken to mitigate these problems. DOE will evaluate the Offeror's past performance as reported on prior relevant contracts, with emphasis on cost

control and adherence to schedules. In the case of an Offeror without a record of relevant Past Performance, DOE will evaluate the Offeror neither favorably nor unfavorably. DOE will also evaluate the quality of any Past Performance information related to the Offeror's Environment, Safety, Health and Quality Assurance functions. In evaluating the Offeror's Past Performance, DOE may contact some or all of the references provided and may solicit Past Performance information from other available sources. These include Federal Government electronic databases, readily available Government records (including pertinent prime contracts), and sources other than those identified by the Offeror.

M.4 COST AND FEE EVALUATION FACTORS

DOE will conduct a cost realism analysis to determine most probable cost as prescribed by FAR 15.404-1(d). As part of its cost realism analysis, DOE will determine whether the proposed cost elements are realistic for the work to be performed, reflect a clear understanding of the work requirements, and are consistent with the methods of performance and materials described in the Offeror's technical proposal. The Offeror has the responsibility to fully document its cost proposal and provide clear traceability to the WBS. The failure to provide such documentation and traceability may result in upward adjustments to costs as part of the cost realism analysis. The most probable cost will be calculated by DOE by adding the following evaluated costs together: contract transition costs, contract period costs, and NTS disposal fees.

The total evaluated price will be calculated by combining the most probable cost and the proposed fee. The Government has established a Maximum Fee of 12% and a Minimum Fee of 2% for the cost and schedule incentives identified in Clause B.2. The evaluated price will be used in the trade off analysis to determine best value to the Government. DOE will determine the reasonableness of evaluated price in accordance with FAR 15.403(c)(1) and 15.404-1(a)(1).

$$\frac{\text{Most Probable Cost} + \text{Proposed Fee} = \text{Total Evaluated Price}^*}{\text{(To be used in the best value analysis)}}$$

An Offeror that proposes a total evaluated price that exceeds the funding availability as set forth in Section L, either for the anticipated funding or the anticipated funding by fiscal year, may be considered unacceptable for award.

M.5 OVERALL RELATIVE IMPORTANCE OF EVALUATION FACTORS

As described in Sections M.3 and M.4 above, the evaluation factors are as follows:

- (a) Technical Evaluation Factors
 - (1) Technical Approach

- (2) Key Personnel and Organizational Structure
- (3) Relevant Experience
- (4) Past Performance

(b) Cost and Fee

In determining best value to the Government, the ratings for the technical evaluation factors, when combined, will be considered significantly more important than cost and fee. Technical Approach will be considered more important than each of the other factors. Key Personnel and Organization Structure will be considered more important than Relevant Experience and Past Performance, and Relevant Experience and Past Performance will be considered equal in importance. In considering Key Personnel and Organizational Structure, the Government will place the same importance on Key Personnel Resumes and Organizational Structure as it places on the Key Personnel Oral Presentations.